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PTO/SB/01 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	164.1011.01
	<b>First Named Inventor</b>	Subir VARMA
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	09 / 689,271
	<b>Filing Date</b>	October 11, 2000
	<b>Group Art Unit</b>	Not Assigned
	<b>Examiner Name</b>	Not Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Automatic Retransmission and Error Recovery for Packet Oriented Point-To-Multipoint Communication

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

October 11, 2000

as United States Application Number or PCT International

Application Number 09/689,271

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/01 (10-00)

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## DECLARATION — Utility or Design Patent Application

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Address

City

State

ZIP

Country

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Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :

☐ A petition has been filed for this unsigned inventor

Given Name Subir  
(first and middle [if any])

Family Name Varma  
or Surname

Inventor's  
Signature

Date

1/19/2001

Residence: City San Jose

State CA

Country US

Citizenship US

Mailing Address 6886 Village Wood Way

Mailing Address

City San Jose

State CA

ZIP 95120

Country US

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any])

Family Name  
or Surname

Inventor's  
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the \_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Please type a plus sign (+) inside this box→ ☐

PTO/SB/81 (11-96)

Approved for use through 6/30/99. OMB 0651-0035

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**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT,  
NOT ACCOMPANYING  
APPLICATION**

Application Number	09/689,271
Filing Date	October 11, 2000
First Named Inventor	Subir VARMA
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	164.1011.01

I hereby appoint:

☒ Practitioners at Customer Number

22883

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OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

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OR

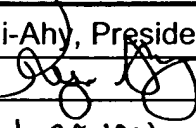
<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
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Telephone		Fax			

I am the:

☐ Applicant.

☒ Assignee of record of the entire interest  
*Certificate under 37 CFR 3.73(b) is enclosed*

**SIGNATURE of Applicant or Assignee of Record**

Name	Reza Majidi-Ahy, President and CEO
Signature	
Date	1-29-2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/96(6-98)  
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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Subir Varma

Application No./Patent No.: 09/689,271 Filed/Issue Date: October 11, 2000

Entitled: Automatic Retransmission and Error Recovery for Packet Oriented Point-To-Multipoint Communication

Aperto Networks, Inc.

, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

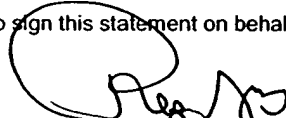
- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

1-29-2001

Date



Signature

Reza Majidi-Ahy

Typed or printed name

President and CEO

Title

COPY

22883


164.1011.01

WHEREAS, I, Subir Varma, a citizen of United States, residing at 6886 Village Wood Way, San Jose, California 95120, have invented a **"Automatic Retransmission and Error Recovery for Packet Oriented Point-To-Multipoint Communication"** for which we have executed application papers for a U.S. patent thereon, which was filed on **October 11, 2000, Serial No. 09/689,271**; and

WHEREAS, Aperto Networks, Inc. a California corporation, having a place of business at 1637 South Main, San Jose, California 95035, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and in all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, I, Subir Varma, do sell, assign, transfer and set over unto the said Aperto Networks, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all letters patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Aperto Networks, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at Milpitas, CA, this 19th day of January, 2001.

  
\_\_\_\_\_  
Subir Varma

Assignment



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JANUARY 30, 2001

PTAS

SWERNOFSKY LAW GROUP  
JOHN C. MERCHANT  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-00

**\*700003674A\***

\*700003674A\*

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/25/2001

REEL/FRAME: 011271/0744  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VARMA, SUBIR

DOC DATE: 01/19/2001

ASSIGNEE:

APERTO NETWORKS, INC., A  
CORPORATION OF CALIFORNIA  
1637 SOUTH MAIN STREET  
MILPITAS, CALIFORNIA 95035

SERIAL NUMBER: 09689271  
PATENT NUMBER:

FILING DATE: 10/11/2000  
ISSUE DATE:

PAULA MCCRAY, EXAMINER

CTS

OPR/ASSIGNMENTS 1/31/01 11:45 PAGE 003/5 RightFAX

ASSIGNMENT DIVISION

OFFICE OF PUBLIC RECORDS

01/25/2001

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164.1011.01

FORM PTO-1619A  
Expires 06/30/99  
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Patent and Trademark Office  
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- ☐ Departmental File ☐ Secret File

**Conveying Party(ies)**

- ☐ Mark if additional names of conveying parties attached
- Execution Date  
Month Day Year  
01 19 2001

Name (line 1) Varma, Subir

Name (line 2)

**Second Party**

Name (line 1)

Name (line 2)

Execution Date  
Month Day Year**Receiving Party**

- ☐ Mark if additional names of receiving parties attached

Name (line 1) Aperto Networks, Inc.

Name (line 2) s Corporation of California

Address (line 1) 1637 South Main Street

Address (line 2)

Address (line 3) Milpitas

CA

95035

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name John C. Merchant

Address (line 1) Swernofsky Law Group

Address (line 2) P.O. Box 390013

Address (line 3) Mountain View, CA 94039-0013

Address (line 4) United States

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Expires 09/30/00  
OMB 0901-0027

Page 2

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT****C Correspondent Name and Address**

Area Code and Telephone Number 650.947.0700

Name John C. Merchant

Reg. No. 45.996

Address (line 1) Swernofsky Law Group

Address (line 2) P.O.Box 390013

Address (line 3) Mountain View, CA 94039-00

Address (line 4) United States

**Pages**Enter the total number of pages of the attached conveyance document  
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# 1

**Application Number(s) or Patent Number(s)**☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

08689271

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was  
signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT

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**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:  
Deposit AccountEnclosed ☐Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 50-0385

Authorization to charge additional fees:

Yes

☒

No

☐**Statement and Signature***To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of the original document. Charges to deposit account are authorized, as  
indicated herein.*

John C. Merchant

Name of Person Signing

Signature

January 25, 2001

Date

**ASSIGNMENT**

WHEREAS, I, Subir Varma, a citizen of United States, residing at 6886 Village Wood Way, San Jose, California 95120, have invented a **"Automatic Retransmission and Error Recovery for Packet Oriented Point-To-Multipoint Communication"** for which we have executed application papers for a U.S. patent thereon, which was filed on **October 11, 2000, Serial No. 09/689,271**; and

WHEREAS, Aperto Networks, Inc. a California corporation, having a place of business at 1637 South Main, San Jose, California 95035, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and in all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, I, Subir Varma, do sell, assign, transfer and set over unto the said Aperto Networks, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all letters patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Aperto Networks, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at Milpitas, CA, this 19th day of January, 2001.

  
\_\_\_\_\_  
Subir Varma